
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

RYAN ROBERT WALZ,

Plaintiff,

v.

MATTHEW D. EKINS, GALLIAN
WELKER AND ASSOCIATES, TIAMA
INVESTMENTS LLC, and CAROL
VUONG,

Defendants.

**MEMORANDUM DECISION AND
ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:24-cv-00612-JNP-JCB

District Judge Jill N. Parrish

Pro se Plaintiff Ryan Robert Walz alleges that Defendants coerced him into creating a deed of trust for certain property, thereby attempting to steal the property from him. He seeks an order voiding the deed of trust and awarding monetary damages, plus other related relief. His complaint alleged federal-question jurisdiction based on the Due Process Clause of the Fifth Amendment to the U.S. Constitution. ECF No. 1. Defendants moved to dismiss for lack of subject-matter jurisdiction, ECF No. 18, and Mr. Walz moved for various forms of injunctive relief, ECF Nos. 22, 27, 30. The motions were referred to Magistrate Judge Jared C. Bennett under 28 U.S.C. § 636(b)(1)(B).

Judge Bennett prepared a Report and Recommendation that the court grant Defendants' motion and deny Mr. Walz's motions as moot. ECF No. 32. Judge Bennett reasoned that the only asserted basis for federal-question jurisdiction—the Due Process Clause, which applies against the federal government—does not apply against Defendants because they are private individuals and

entities. His Report and Recommendation also notified the parties that a failure to file a timely objection to the recommendation could waive any objections to it. No objection was filed in the time allotted.

Because Mr. Walz did not object to the Report and Recommendation, he has waived any argument challenging its recommendations. *Paciorek v. Church of Jesus Christ of Latter-Day Saints*, No. 2:23-cv-00904, 2024 WL 2818881 (D. Utah June 3, 2024). And nothing indicates that the interests of justice demand excusing waiver here. *Id.*

But even if the court excused waiver and reviewed for clear error, the court would conclude that Judge Bennett's analysis is not clearly erroneous. *See Zloza v. Indus. Co.*, No. 4:23-cv-17, 2023 WL 2760784, at *1 (D. Utah Apr. 3, 2023) (explaining that the court reviews unobjected-to portions of a magistrate judge's report and recommendations for clear error). Thus, the court **ADOPTS** the Report and Recommendation in full, **GRANTS** Defendants' motion to dismiss for lack of subject-matter jurisdiction, ECF No. 18, and **DENIES** Mr. Walz's motions as moot, ECF Nos. 22, 27, 30.

Signed July 30, 2025.

BY THE COURT



Jill N. Parrish
United States District Court Judge